

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

WINIFRED BLACKLEDGE,)
)
Plaintiff)
)
VS.) CIVIL ACTION
) NO.
) 2:06CV321-
) ID
)
ALABAMA DEPARTMENT OF MENTAL)
HEALTH & MENTAL RETARDATION &)
COMMISSIONER JOHN HOUSTON, in)
his Official as Commissioner of)
the Alabama Department of)
Mental Health & Mental)
Retardation)
)
Defendants.)

The deposition of **WINIFRED BLACKLEDGE**, taken pursuant to notice at the Mobile Law Library Conference Room, Mobile Government Plaza, 205 Government Street, Mobile, Alabama, beginning at 11:03 a.m., on March 13, 2007.

ORIGINAL

BEFORE: Rachel S. Landreneau, CCR, LA, MS

1 placed on provision by the certification team, it
2 was then my responsibility to work with those
3 care providers to get them off provision.

4 Q. All right.

5 MS. LUCK: I'd like to have this marked
6 as Exhibit No. 1, please.

7 (Exhibit No. 1 was marked for
8 identification.)

9 BY MS. LUCK CONTINUED:

10 Q. I want to show you a copy of the notice
11 of your deposition for today.

12 A. Okay.

13 Q. Have you seen that before (indicating)?

14 A. Yes.

15 Q. When did you see it first?

16 A. Yesterday.

17 Q. Did you have a chance to read through it?

18 A. Yes.

19 Q. You notice starting on the second page,
20 there's a request that you would bring with you
21 today certain documents or things. And I want to
22 go through that list with you and see if you have
23 any of those documents and things with you here
24 today. All right?

25 A. Okay.

1 Q. "Journals and diaries for the time period
2 which covers your allegations in your complaint."
3 Do you have any journals or diaries?

4 A. No.

5 Q. Do you keep a journal?

6 A. No.

7 MR. WILSON: Let me just say that -- let
8 me interrupt real quick. She does have some
9 stuff that was done on my request that we
10 think is objectionable, as work-product, so.

11 MS. LUCK: Okay. Some paperwork that she
12 prepared --

13 MR. WILSON: Yes.

14 MS. LUCK: -- for you, yes.

15 MR. WILSON: Yes.

16 BY MS. LUCK CONTINUED:

17 Q. But beyond what you've done for your
18 attorney, do you have any other diaries,
19 journals, calendars, anything of that nature that
20 would be -- show the time periods in question in
21 your complaint?

22 A. No.

23 Q. The second category is: "Each and every
24 document" -- it should read documentation -- and
25 things that you allege support your allegations

1 contained in your complaint as amended." Do you
2 have any documentary evidence, any documentary
3 anything that would support the claims that you
4 have made in your complaint?

5 A. Whatever I have, I have provided to my
6 attorney.

7 MS. LUCK: Did she bring some with her
8 today?

9 MR. WILSON: All the documents that she
10 has are in y'all's possession, so she didn't
11 bring anything additional today.

12 MS. LUCK: Okay. For the record, let's
13 say -- are you talking about the production
14 that we made to your offices?

15 MR. WILSON: Yes. Any -- well, any
16 documents would be in that or documents from
17 the EEOC file.

18 MS. LUCK: Could you -- let's spend a
19 little time here on No. 2 and talk about,
20 which of those documents that you allege
21 support the allegations in your complaint?
22 Is that fair?

23 MR. WILSON: I'm going to object to that.
24 I mean, there's lots of documents that
25 support her claim, so I don't think we can

1 try to individualize which ones right now.

2 MS. LUCK: Well, I think we need to,
3 don't we? That's what we're here about.

4 MR. WILSON: I don't think it's time in
5 litigation for us to let you all know exactly
6 what documents we plan on using at trial or
7 anything. I mean --

8 MS. LUCK: Well, that's not really the
9 question. I mean, whether we -- they're used
10 at trial or not used at trial, you were given
11 notice to be here at this deposition with a
12 duces tecum requirement that she bring with
13 her the documents which answer these
14 categories. And the category here we have a
15 right to ask. This is discovery. We're
16 supposed to be finding out what she bases her
17 complaint on. It's preliminary, primary, we
18 must know.

19 So, can you tell me on behalf of Ms.
20 Blackledge, if you like, but I'd prefer Ms.
21 Blackledge to tell me, what complaints or
22 what documents she has that might support the
23 allegations of her complaint?

24 MR. WILSON: Well, that would be all the
25 documents that we have asked for from the

1 Department.

2 MS. LUCK: Okay. So you're claiming
3 that --

4 MR. WILSON: All the personnel files, all
5 of the -- I mean, every, every document is
6 part of the evidence of her claims.

7 MS. LUCK: All right. And you can't be
8 any more specific than that?

9 MR. WILSON: Not right now, no.

10 MS. LUCK: Well, when could you be?

11 MR. WILSON: I guess when the Court
12 requires us to list those documents we're
13 going to use. I mean, it's discovery, and we
14 requested a lot of documents that we're going
15 to use for evidence, and we were just given
16 those documents Friday. I'm not going to
17 bring a box of documents.

18 MS. LUCK: Okay. I'm sorry. Did you
19 want --

20 MR. TARVER: No, ma'am.

21 BY MS. LUCK CONTINUED:

22 Q. I want to redirect these questions to you,
23 Ms. Blackledge. And we've heard from your
24 attorney now?

25 A. Uh-huh.

1 Q. He's given the legal side of this.

2 A. Correct.

3 Q. Now I want to ask the factual side of
4 this, you know, your answers to these questions.

5 A. Okay.

6 Q. Do you know if there are any documents
7 that support the allegations of your complaint?

8 MR. WILSON: Object to the form. You can
9 answer it.

10 A. Yes.

11 BY MS. LUCK CONTINUED:

12 Q. What documents do you know of that you
13 believe support the allegations in your
14 complaint?

15 A. Well, I can't recall all of them, but my
16 attorney has them.

17 Q. Well, we've heard from your attorney now.
18 What we want to know is what do you know of,
19 yourself, from your personal knowledge, what do
20 you know of in documentary form that supports the
21 allegations in your complaint?

22 MR. WILSON: I'll object to the form. I
23 don't see how she can answer it. We can sit
24 here for five hours, and she can try to
25 remember every document, I don't --

1 **MS. LUCK:** You know, Mr. Wilson, I gave
2 you perfect opportunity to help her out with
3 this and you didn't. Now, we need to hear
4 from Ms. Blackledge.

5 A. I can't recall all the documents I gave
6 you all.

7 **BY MS. LUCK CONTINUED:**

8 Q. Well, can you -- let's start with one.
9 What's the first one you can recall?

10 A. Repeat that again, because I'm -- really,
11 all the documents that I have -- had has been
12 provided to my attorney.

13 Q. I know.

14 A. And to give a list of documents, it would
15 be difficult for me to do.

16 Q. Well, I don't mean to be difficult, but
17 that's what we're here about today.

18 A. Right. I understand what you're saying.

19 Q. We're trying to find out why you think
20 you have a complaint, why you think you have a
21 cause of action.

22 **MR. WILSON:** And see, we -- I'm just
23 saying the documents are already in your
24 possession. I don't think we're required to
25 bring those same documents and to sit them

1 here on the table and say, These are our
2 documents. I mean, those are documents that
3 are already in your possession, the
4 possession of the Department

5 **MS. LUCK:** Okay.

6 **BY MS. LUCK CONTINUED:**

7 Q. Ms. Blackledge?

8 A. Yes.

9 Q. Are you saying that you do not know of
10 any documents that support your complaint?

11 **MR. WILSON:** Object to the form.

12 A. I'm not saying that, no.

13 **BY MS. LUCK CONTINUED:**

14 Q. Are you saying that you cannot specify a
15 document that you can recall that supports the
16 allegations in your complaint?

17 **MR. WILSON:** Object to the form.

18 A. Yes.

19 **BY MS. LUCK CONTINUED:**

20 Q. Can you think of any generalized
21 categories of documents that you believe support
22 your complaints?

23 A. Nothing, other than probably the EEOC
24 findings.

25 Q. And I may come back to this in a minute,

1 because this is the basis of your complaint, but
2 we'll move on to something else for a moment.

3 Did you bring with you today a copy of
4 your birth certificate?

5 A. No.

6 Q. And why didn't you?

7 A. I wasn't aware I was supposed to.

8 **MS. LUCK:** Mr. Wilson, we asked for a
9 copy of her birth certificate. Do you intend
10 to supply us with that?

11 **MR. WILSON:** I will get you a copy of
12 that.

13 **MS. LUCK:** Thank you.

14 **BY MS. LUCK CONTINUED:**

15 Q. Did you bring with you today your
16 driver's license?

17 A. Yes, I do have that.

18 Q. Could we see your driver's license?

19 A. Sure. Okay. (Handing drivers license to
20 counsel.)

21 Q. We may want to make a copy of this?

22 A. Sure.

23 **MS. LUCK:** When we take a break, if
24 that's all right, we'll make a copy of this
25 and call it Exhibit No. 2?

1 **MR. WILSON:** Seems like you already got a
2 copy in your documents already. But that's
3 fine also.

4 **MS. LUCK:** I'll just leave this here if
5 that's all right?

6 **THE WITNESS:** Yes.

7 **BY MS. LUCK CONTINUED:**

8 Q. Okay. The next category that we've asked
9 you to bring with you today --

10 A. Uh-huh.

11 Q. -- is "any and all medical,
12 psychological, psychiatric and professional
13 counseling documentation" --

14 A. Uh-huh.

15 Q. -- "supporting your allegations of mental
16 distress, emotional pain, anguish, humiliation
17 and embarrassment."

18 A. Uh-huh.

19 Q. Did you bring any medical documentation
20 with you today?

21 A. No, I did not.

22 Q. Did you bring any psychological
23 documentation?

24 A. No, I did not.

25 Q. Psychiatric or professional counseling?

1 A. No.

2 Q. Do you have any such documentation?

3 A. I can obtain that.

4 Q. And why don't you have it here today?

5 A. Was not again aware that I needed it
6 today.

7 MR. WILSON: That is -- I mean, subject
8 to certain objections, her documents, her
9 health care provider we need to sign, and we
10 need some type of protective order for those
11 documents.

12 MS. LUCK: Mr. Wilson, she brought it
13 into issue. She claims it as damages. If
14 she claims it as damages and she brings it
15 into issue, she waives her privilege.

16 Did you bring those documents with
17 you today?

18 MR. WILSON: No, we don't have those
19 documents.

20 MS. LUCK: Are you going to supply us
21 with those documents?

22 MR. WILSON: We'll have to talk about
23 certain protective orders, but, yes, we -- I
24 mean, we'll provide those documents.

25 MS. LUCK: Okay. So you will provide

1 Category No. 5 documents?

2 MR. WILSON: Subject to any objections,
3 yes.

4 BY MS. LUCK CONTINUED:

5 Q. Did you bring any documents with you
6 today, Ms. Blackledge?

7 A. No.

8 Q. Were you told to bring any documents
9 today?

10 MR. WILSON: I have -- I have documents,
11 yes. Like I said, I'm not going to -- we've
12 already got thousands of pages of documents
13 that y'all sent to us. I'm not going to make
14 ten different records of those documents. It
15 doesn't make sense. It's not reasonable.

16 I'm not here to make a big argument about
17 this, and we can go off the record, if you
18 want.

19 MS. LUCK: No, I don't want to go off the
20 record.

21 MR. WILSON: Okay. I'm not going to
22 provide, I'm not going to provide another
23 stack of 2000 pages of documents to bring
24 here.

25 MS. LUCK: That wouldn't be necessary,

1 no. Let me ask another question, and I'll
2 ask it to Ms. Blackledge first.

3 **BY MS. LUCK CONTINUED:**

4 Q. Ms. Blackledge, do you have any
5 documents, other than what the Department of
6 Mental Health and Mental Retardation has produced
7 to your attorney, for records in this case that
8 support your allegations in this complaint? Do
9 you have any other documents?

10 A. No.

11 **MS. LUCK:** Do you have any other
12 documents of hers, other than those that have
13 been produced by the Department of Mental
14 Health to your offices?

15 **MR. WILSON:** Well, we have those health
16 documents and things such as that, but -- and
17 the EEOC documents, but other than that, no.

18 **MS. LUCK:** What would be "things such as
19 that"? What does that mean?

20 **MR. WILSON:** The health documents we just
21 discussed.

22 **MS. LUCK:** Okay.

23 **BY MS. LUCK CONTINUED:**

24 Q. Do you have any documents that support
25 your claim for harassment other than what we've

1 supplied to your attorney in discovery?

2 A. And I supplied that to my attorney, and
3 also to the Department, those documents.

4 Q. And what are you referring to when you
5 say that?

6 A. The documents that I wrote to Ms. Wilson
7 on March the 21st of 2006. Recently, the
8 documents regarding my performance appraisal,
9 that was sent to the Department of Personnel,
10 Henry Ervin -- Fordyce Mitchell, Social
11 Commissioner Wilson and Commissioner Houston.

12 Q. Are you -- it sounds like you're
13 referring to memorandums that you --

14 A. Correct.

15 Q. -- circulated regarding those issues that
16 you just mentioned?

17 A. Correct.

18 Q. Have you reviewed with your attorney the
19 documents that the Department has presented to
20 your attorney in response to discovery? Have you
21 reviewed all those documents?

22 A. Probably saw them, but there's so much.

23 Q. Because what I'm asking you is, you've
24 just referred to memorandum and things that
25 you've written?

1 A. Correct.

2 Q. To various people?

3 A. Correct.

4 Q. Do you know whether all of those
5 memorandums are included in the discovery that
6 we've presented to your attorney?

7 A. I'm not aware.

8 Q. You don't know whether they're all there
9 or not?

10 A. No, I don't. I mean, my attorney's got
11 copies, and you all got copies.

12 MR. WILSON: To the best of my knowledge,
13 yes, they're all in there.

14 BY MS. LUCK CONTINUED:

15 Q. Well, what I'm trying to find out is,
16 could there be some -- are there going to be any
17 other pieces of paper presented in this case that
18 you're going to suggest support your claims for
19 harassment or discrimination in this case?

20 A. Not that I'm aware of, no.

21 MR. WILSON: Not that we're aware of
22 right now.

23 MR. TARVER: Let me, if I might, Josh.
24 Normally we're not going to both ask
25 questions, but this involves me personally.

1 I talked to you about that. I just want to
2 clear this up for the record.

3 Ms. Blackledge, on one occasion that I
4 can recall, you faxed something to my office
5 and addressed it to me. Do you recall that?

6 **THE WITNESS:** Yes.

7 **MR. TARVER:** Okay. And I did not request
8 that you do that in any way, did I?

9 **THE WITNESS:** No, you did not.

10 **MR. TARVER:** Okay. And I have had a
11 conversation with your attorney about that.
12 I'm not offended by that, and I'm not trying
13 to make a big issue about that, but as he may
14 have explained to you, it's not proper for
15 attorneys once litigation has started to
16 engage in discussions or correspondences and
17 other things with a party on the opposite
18 side without the attorney being involved.
19 And I just want to make sure that you have --
20 you understand that --

21 **THE WITNESS:** Oh, yes, he has explained
22 it to me.

23 **MR. TARVER:** Okay. And I'm taking it
24 that you have provided to him copies of
25 whatever you sent to me?

1 **THE WITNESS:** Correct.

2 **MR. TARVER:** Okay. So, I just wanted
3 that clear for the record.

4 **BY MS. LUCK CONTINUED:**

5 Q. If you'd like to just look at the
6 remaining categories --

7 A. Sure.

8 Q. -- and tell me whether you have any
9 documents --

10 A. Starting from which category?

11 Q. "Documents to support your claims for
12 malicious, reckless, and willful discrimination,
13 adverse employment conditions."

14 A. Which number are you?

15 **MR. WILSON:** Seven or six?

16 **MS. LUCK:** Six and seven. You have
17 No. 9, your claims "for malice and reckless
18 indifference. Number 10, "Pattern and
19 practice of discrimination, Number 11, that
20 you've been injured." You know, I'm trying
21 to ask you all at once, because it appears
22 that you're saying you don't have anything
23 else; is that right?

24 A. Everything has been provided that I know
25 of to my attorney.

1 **MS. LUCK:** And, Mr. Wilson, you're saying
2 that you're going to provide us with --

3 **MR. WILSON:** I mean, a large majority of
4 those documents are the same documents that
5 you have.

6 **MS. LUCK:** We're looking for the other
7 part.

8 **MR. WILSON:** I don't -- I don't -- I'm
9 not aware of any others at this time.
10 There's some healthcare provider documents
11 that might be at issue. We don't have that
12 yet. That notice was sent February 14th. We
13 haven't had time to get all of that
14 information, for one thing. But the majority
15 of that information, for the record, is
16 contained in the documents you've given to
17 us, and I'm not sure if they're all there or
18 not, but they're all in the care of the
19 Department of Mental Health and Mental
20 Retardation.

21 **MS. LUCK:** So when it comes to trial,
22 you're not going to surprise us with any
23 other documents, and you'll waive that?

24 **MR. WILSON:** I will ensure that any
25 documents are provided to you before trial,

1 that's for sure. If we have other documents,
2 yes, I'm going to -- I'm not going to
3 withhold any documents. That's not what I'm
4 trying to say here. I don't have -- I'm not
5 aware of any at this time.

6 **MS. LUCK:** Well, we may have to -- I
7 mean, you would agree, then, that we may have
8 to recall you for a second deposition after
9 we receive these documents; you understand?

10 **MR. WILSON:** If there are other
11 documents?

12 **MS. LUCK:** Yes.

13 **MR. WILSON:** It's a possibility, but I'm
14 not aware of any other documents at this
15 time.

16 **MS. LUCK:** But you would understand that
17 we would -- we have our opportunity to
18 inquire, and if we don't have the documents,
19 it's hard to inquire about documents that we
20 don't have, so we may have to ask Ms.
21 Blackledge to come back.

22 **MR. WILSON:** But as of now, our position
23 is you have the documents.

24 **BY MS. LUCK CONTINUED:**

25 Q. Ms. Blackledge, when did you first retain

1 counsel regarding your complaints against the
2 Department of Mental Health?

3 A. I think when EEOC asked for the
4 Department to mediate with me, and that was in
5 20004.

6 Q. You were giving us a listing of your
7 duties and responsibilities with CMHMR. You said
8 in approximately 1998 your duties changed, and
9 you listed those?

10 A. Uh-huh.

11 Q. Have they changed since that time?

12 A. No.

13 Q. So the duties that you listed earlier,
14 providing technical assistance in the area,
15 monitoring community homes and being the
16 monitoring coordinator, et cetera, are the same
17 ones that you perform today?

18 A. Correct.

19 **MR. WILSON:** Let me, I think there -- now
20 that I think of it, there is one document
21 that we had asked for that I don't believe
22 was provided that she would have. If you
23 give me a minute, I'll find it.

24 **MS. LUCK:** Yes.

25 **MR. WILSON:** But that's the only one I

1 can think that wasn't provided right now.

2 MS. LUCK: Let's take a break for just a
3 moment.

4 (At this time, a break was taken.)

5 MS. LUCK: Okay.

6 MR. WILSON: This is the one document. I
7 think we had asked for this document, and I
8 don't remember seeing it in your responses,
9 but this is one document that we have in our
10 possession now.

11 MS. LUCK: Okay. We'll mark this
12 Plaintiff Exhibit A. We'll put that on the
13 record.

14 (Plaintiff's Exhibit A was marked for
15 identification.)

16 MR. WILSON: Do you need this back?

17 MS. LUCK: Not really. You can look at
18 that. She will need it at the end.

19 Mr. Wilson, I believe that you wanted to
20 put something on the record?

21 MR. WILSON: Well, I thought I did.

22 MADAME COURT REPORTER: Yes, I had it on
23 the record when he said it.

24 MS. LUCK: Did you?

25 MADAME COURT REPORTER: Yes.